REMARKS

This Amendment and Response is submitted in response to the non-final Office Action mailed on October 17, 2007 (the "Office Action") in connection with the above-referenced application. Claims 1-24 are pending in the present application. Applicant notes with appreciation that the art-based rejections set forth in the previous Office Action have been withdrawn. However, new grounds of rejection have now been advanced. Reconsideration and allowance of the application is requested in view of the amendments and remarks presented herein.

In the outstanding Office Action, the following issues were raised:

- Claims 20-21 were objected to under 37 CFR 1.75(c) for failing to further limit the subject matter of a previous claim.

- Claims 1-24 were rejected under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. More particularly, clarification of "e-palette" as used in independent claims 1, 15 and 22 was required in light of "e-palette" as used in the specification.

- Claims 1-24 were rejected under 35 USC §102(a) as anticipated by or, in the alternative, 35 USC §103(a) as obvious over YON et al. (U.S. Patent No. 6,507,824).

- Claims 1-24 were rejected under 35 USC §102(a) as anticipated by or, in the alternative, 35 USC §103(a) as obvious over CHAN et al. (U.S. Patent No. 6,342,952).

In view of the amendments and remarks presented herein, applicant respectfully traverses the foregoing rejections and objections.

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1. **Claim Amendments**

Applicant has amended independent claims 1 (system), 15 (method) and 22 (system) to more clearly recite the subject matter of the present claimed invention. In particular, applicant has amended the preamble of each independent claim to recite that communication is between a specifier and a plurality of suppliers."

In addition, applicant's amended claim 1 now recites, *inter alia*, that the recited storage medium receives "information originating from a specifier workstation," the information "including an e-palette and information associated with said e-palette defined by a specifier, said information associated with said e-palette including a set of goods." Similarly, amended claim 15 now recites, *inter alia*, "receiving information across a computer network at a server, said information originating from a specifier workstation and including an e-palette and information associated with said e-palette defined by said specifier, said information associated with said e-palette including a set of goods and a predetermined set of suppliers." Still further, amended claim 22 now recites, *inter alia*, "a storage medium associated with said server for receiving and storing said information, wherein said information includes specifier information originating from a specifier workstation and including a specified e-palette and information associated with said specified e-palette defined by a specifier; and at least one responsive submission communicated to said server by a supplier, said information submitted by the specifier including a set of goods associated with said submitted e-palette."

Further, dependent claim 21 has been amended to recite that the claimed method "further comprises measuring color attributes associated with an e-palette received at said server using

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color measuring equipment and further comprises automatically validating operation of said color measuring equipment."

Support for the amended recitations is found throughout the specification, as filed. Prompt entry thereof is respectfully requested.

2. Claims 20-21 - Objected to Under 37 CFR 1.75(c)

As noted above, claims 20-21 were objected to under 37 CFR 1.75(c) for failing to further limit the subject matter of a previous claim. Reconsideration and withdrawal of the foregoing rejection is respectfully requested.

With reference to dependent claim 20, it is noted that such dependent claim further limits the subject matter of independent claim 15 at least because a "pre-determined" entity (e.g., supplier) is not necessarily a "pre-approved entity." Moreover, there is nothing in independent claim 15 that precludes/restricts access to the information at the server to pre-approved entities. Thus, limiting the subject matter of independent claim 15 such that only pre-approved entities have access to information stored at the server represents a further limitation thereto, as required by 37 CFR 1.75(c).

With reference to dependent claim 21, applicant has amended the claim to more clearly recite the "color measurement" functionality intended thereby. Applicant respectfully submits that amended claim 21 fully complies with 37 CFR 1.75(c).

Reconsideration and prompt withdrawal of the outstanding claim objections under 37 CFR 1.75(c) are respectfully requested.

3. Claims 1-24 - Rejection under 35 USC §112, Second Paragraph

As noted above, claims 1-24 were rejected under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. In view of clarifying amendments made to the independent claims, reconsideration and withdrawal of the foregoing Section 112 rejection are respectfully requested.

Applicant notes that the specification provides that "the specifier generally transmits/communicates appropriate information...to [the] server." [Page 12, lines 4-10] "Appropriate information" is defined to include "e.g., electronic representations of desired color palette(s) ("e-palette(s)"), a supplier list, relevant business data (e.g., contact information), and the like." The specification offers further clarification, as follows: " a specifier/designer associates a predetermined list, group or set of suppliers with an e-palette at specifier client work station 116, prior to transmitting the e-palette to server 102. In addition, the specifier/designer may optionally associate additional information with an e-palette prior to transmission to server 102, e.g., conditions under which color submissions are to be submitted, timeframes for response, cost constraints, etc." [Page 13, lines 5-10]

Applicant has amended independent claims 1, 15 and 22 in a manner consistent with the terminology set forth in the specification, e.g., in the quoted portion hereinabove. In particular, applicant's amended independent claims recite transfer/receipt/storage of information that includes, *inter alia*, an e-palette defined by a specifier. As amended, applicant respectfully submits that independent claims 1, 15 and 22 (and the dependent claims that are based thereon) fully comply with Section 112, second paragraph.

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Accordingly, reconsideration and withdrawal of the outstanding Section 112 rejection are requested.

4. Claims 1-24 - Rejection under 35 USC §102(a) or 35 USC §103(a): Yon et al.

Claims 1-24 were rejected under 35 USC §102(a) as anticipated by or, in the alternative, 35 USC §103(a) as obvious over YON et al. Applicant respectfully traverses said rejection.

In one embodiment, the Yon patent teaches a method for allowing a potential purchaser to specify a custom color to a vendor. A vendor host computer system receives a request to specify a custom color from a purchaser computer -- after the vendor host computer provides the purchaser host computer with a custom color request form. In a second embodiment, the Yon patent teaches a method for selecting a color from a vendor color database -- i.e., based on standard color options. In particular, a vendor host computer system receives a request for a standard color from a purchaser computer and automatically retrieves at least one color from the vendor's database of available colors that is close to the standard color.

The Yon reference, however, fails to teach or suggest applicant's invention as recited in any of the pending claims, particularly applicant's pending independent claims 1, 15 and 22 (as amended). More particularly, neither of the embodiments taught in the Yon patent involve and/or contemplate using a server system as an intermediate for communication between a specifier/purchaser and a vendor. Rather, the Yon patent involves direct communication between a purchaser computer and a vendor computer, albeit over a network. Applicant's claimed systems/method are particularly advantageous for the very reason that direct communication between a single purchaser and a single vendor -- which dramatically limits the flexibility and utility of systems like those envisioned by Yon -- are rendered obsolete by

applicant's server-based architecture. Thus, applicant's claimed systems/method allow a specifier to communicate color specifications to <u>multiple</u> vendors by posting color specifications on a centralized server which can be accessed by a plurality of client workstations (i.e., specifiers and, more importantly, suppliers/vendors). Applicant respectfully submits that all currently pending claims patentably distinguish over the Yon patent for at least this fundamental reason.

Moreover, with reference to independent claim 1, the Yon patent fails to teach or suggest a <u>server-based</u> system wherein a specifier is <u>automatically advised</u> when a communication is received with respect to an e-palette from one of the plurality of client workstations. Such functionality is not relevant in the one-on-one communication modality envisioned by the Yon patent and, not surprisingly, the Yon patent neither teaches nor suggests automatic monitoring/communication functionality of the type claimed by applicant. Applicant respectfully submits that independent claim 1 patentably distinguishes over the Yon patent for at least this additional reason.

Thus, with particular reference to independent claim 1, applicant respectfully submits that the Yon patent fails to teach or suggest a system that includes, *inter alia*, at least the following specific claim recitations:

- <u>a processor associated with said server</u> and in communication with said storage medium and with <u>programming that operates</u> with said processor:

    i)   <u>to monitor communications to said server from said plurality of client workstations related to said e-palette</u>; and

    ii)   <u>to automatically communicate the existence of a communication related to said e-palette from one of said plurality of client workstations to said specifier workstation</u>.

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Still further, with reference to independent claim 15, the Yon patent fails to teach or suggest a system/method whereby a specifier -- using server functionality -- may <u>automatically</u> communicate the existence/availability of an e-palette <u>at the server</u> to a <u>predetermined set of suppliers</u>. Instead, the systems/methods disclosed in the Yon patent are limited to color ordering communications with a single vendor in a <u>one-on-one</u> fashion. Thus, a specifier/purchaser is not able to simultaneously involve multiple vendors, e.g., so as to achieve pricing advantages, and/or to exclude certain vendors from a multiplicity of potential vendors, e.g., for quality control reasons. Applicant respectfully submits that independent claim 15 patentably distinguishes over the Yon patent for at least this reason.

Finally, with particular reference to independent claim 22, applicant respectfully submits that the Yon patent fails to teach or suggest a system that includes, *inter alia*, a storage medium/server architecture that function to capture e-palette information received from the specifier <u>and</u> at least one responsive submission communicated by a supplier so as to facilitate color-related commerce. In addition, the Yon patent fails to teach or suggest associating an e-palette with a <u>set of goods</u>, as specifically recited in applicant's claim 22. For at least the foregoing reasons, applicant respectfully submits that independent claim 22 patentably distinguishes over the Yon patent.

Applicant further submits that dependent claims 2-14, 16-21 and 23-24 patentably distinguish over the Yon patent for at least the reasons noted with respect to the underlying independent claim from which it depends.

For at least the foregoing reasons, applicant submits that all pending claims patentably distinguish over the Yon patent. Reconsideration and withdrawal of the rejections based on the Yon patent are respectfully requested.

5. Claims 1-24 - Rejection under 35 USC §102(a) or 35 USC §103(a): CHAN et al.

Claims 1-24 were rejected under 35 USC §102(a) as anticipated by or, in the alternative, 35 USC §103(a) as obvious over Chan et al. Applicant respectfully traverses said rejection.

Chan generally teaches a system whereby a purchaser is able to order a particular print ink color from a vender. More particularly, a purchaser uses a first computer (the "buyer computer") to input and send information relating to a desired ink color and other desired ink properties to a second computer (the "seller computer") in communication with the buyer computer. The seller computer then uses a software program in conjunction with a color database to select an appropriate ink formulation based on the information received from the buyer computer. The selected formulation may then be sent to an appropriate manufacturer for production. A spectrophotometer, a color monitor, and a viewing booth are used to create the color database associated with a set of ink colors for manufacturing the ink. (Chan, col. 3, lines 43-47.) The database is created by measuring the color information for print samples prepared from the ink color base set and/or combinations thereof at different concentrations or strengths, wherein the database contains a sufficient number of color information points so that the computer can extrapolate, if necessary, the color information that would result from the different combinations of the ink base color set (in other words, the computer calculates a synthesized spectral curve or other color information for the ink formulation based on the color information for the different concentrations of each ink base color). (Chan, col. 5, lines 38-48.)

The Chan patent, however, does not teach or suggest applicant's invention recited in any of the presently pending claims. Indeed, the Chan patent suffers from the same deficiencies as discussed above with reference to the Yon patent.

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More particularly, the Chan patent does not teach a system/method whereby a specifier may post a desired color palette to a server for viewing by multiple suppliers/vendors. Rather, the Chan patent discloses a system that facilitates searching a database for a particular ink formulation and ordering said ink formulation. Furthermore, in the Chan system, the ink vendor receives an order for the "matched" ink formulation, rather than the specifier's original color specification, and the customer plays no role in selecting the actual ink manufacturer, thereby risking potential quality control issues, etc.

In distinct contrast, the currently claimed systems/method facilitate uploading a desired color palette, e.g., for a particular associated product, to a server. Once uploaded, suppliers/vendors ("predetermined set of suppliers"; claim 15) may view the uploaded desired color palettes and respond to the posting by communicating with the server. The claimed systems and methods therefore advantageously allow the specifier to communicate with a plurality of suppliers/vendors based on a server-based architecture, as opposed to the inferior one-on-one communication provided by the Chan patent.

Applicant further notes that the Chan patent fails to teach or suggest a system/method wherein a specifier is permitted to select a predetermined list of vendors. More particularly, the system in Chan automatically selects a single vendor to fill a particular order. Conversely, applicant's invention as recited in at least independent claim 15 provides requested color specifications to multiple predetermined vendors. Furthermore, a specifier maintains full control over which vendors have access to said color specifications. Thus a specifier may, e.g., build a rapport with a particular vendor, control for quality, etc.

Still further, the Chan patent fails to teach or suggest using a server system as an intermediate for communication between a specifier/purchaser and a vendor. Rather, as with the

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Yon patent, the Chan patent involves direct communication between a purchaser computer and a vendor computer, albeit over a network. As noted above, applicant's claimed systems and method are particularly advantageous for the very reason that direct communication between a single purchaser and a single vendor -- which dramatically limits the flexibility and utility of systems like those envisioned by the Chan patent -- are rendered obsolete by applicant's server-based architecture. Thus, applicant's claimed systems and methods allow a specifier/purchaser to communicate color specifications to multiple vendors by posting said color specifications on a centralized server which can be accessed by a plurality of client workstations (i.e., specifiers and, more importantly, suppliers/vendors). Applicant respectfully submits that all currently pending claims patentably distinguish over the Chan patent for at least this fundamental reason.

Moreover, with reference to independent claim 1, the Chan patent (like the Yon patent) fails to teach or suggest a server-based system wherein a specifier is automatically advised when a communication is received with respect to an e-palette from one of the plurality of client workstations. Such functionality is not relevant in the one-on-one communication modality envisioned by the Chan patent and, not surprisingly, the Chan patent neither teaches nor suggests automatic monitoring/communication functionality of the type claimed by applicant. Applicant respectfully submits that independent claim 1 patentably distinguishes over the Chan patent for at least this additional reason.

Thus, with particular reference to independent claim 1, applicant respectfully submits that the Chan patent fails to teach or suggest a system that includes, *inter alia*, at least the following specific claim recitations:

- a processor associated with said server and in communication with said storage medium and with programming that operates with said processor:

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    i)   <u>to monitor communications to said server from said plurality of client workstations related to said e-palette; and</u>

    ii)   <u>to automatically communicate the existence of a communication related to said e-palette from one of said plurality of client workstations to said specifier workstation.</u>

Still further, with reference to independent claim 15, the Chan patent (like the Yon patent) fails to teach or suggest a system/method whereby a specifier -- using server functionality -- may <u>automatically</u> communicate the existence/availability of an e-palette <u>at the server</u> to a <u>predetermined set of suppliers</u>. Instead, the systems/methods disclosed in the Chan patent are limited to color ordering communications with a single vendor in a <u>one-on-one</u> fashion. Thus, a specifier/purchaser is not able to simultaneously involve multiple vendors, e.g., so as to achieve pricing advantages, and/or to exclude certain vendors from a multiplicity of potential vendors, e.g., for quality control reasons. Applicant respectfully submits that independent claim 15 patentably distinguishes over the Chan patent for at least this reason.

Finally, with particular reference to independent claim 22, applicant respectfully submits that the Chan patent (like the Yon patent) fails to teach or suggest a system that includes, *inter alia*, a storage medium/server architecture that function to capture e-palette information received from the specifier <u>and</u> at least one responsive submission communicated by a supplier so as to facilitate color-related commerce. For at least the foregoing reason, applicant respectfully submits that independent claim 22 patentably distinguishes over the Chan patent.

Applicant further submits that dependent claims 2-14, 16-21 and 23-24 patentably distinguish over the Chan patent for at least the reasons noted with respect to the underlying independent claim from which it depends.

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For at least the foregoing reasons, applicant submits that all pending claims patentably distinguish over the Chan patent. Reconsideration and withdrawal of the rejections based on the Chan patent are respectfully requested.

CONCLUSION

Applicant respectfully submits that all pending claims are now in condition for allowance. Prompt action leading to an early Notice to that effect is earnestly solicited. If the Examiner believes that personal communication will expedite the prosecution, the Examiner is respectfully requested to contact the undersigned at the number listed below.

Respectfully Submitted,

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